

REMARKS

Status of Claims:

Claims 1-14 remain for examination.

Claim Objections:

The claims have been objected to as stated in paragraph 2 of the outstanding Office Action. In each instance, it appears that the printed spacing between certain words was deemed to be too small and, in essence, the Examiner's request is to lengthen the space between the words so that each word may be readily discernable. Applicant's amended claims provides sufficient space between each word so as to permit each word to be clearly and distinctly seen. Because of the unusual nature of the claim objections, applicant has not utilized the conventional strike through and double line replacement to indicate such changes because such changes would cause undue confusion to the claims. Moreover, applicant's electronic copy of the application did not contain the small spacing between words so that, in effect, applicant could not readily duplicate the original claim spacing as filed. Further, applicant's counsel verifies that each of the changes requested in paragraph 2 has been corrected with the claims as filed. Moreover, any other changes to the claims, other than those enumerated in paragraph 2 of the outstanding Office Action, have been made utilizing the conventional "track changes" format of the Word program.

Prior Art Rejection:

Claim 1 stand rejected under 35 U.S.C. § 102 as being anticipated by Takahashi (JP2002-215954). Moreover, claims 12 and 14 stand rejected under 35 U.S.C. § 103 as unpatentable over Takahashi in view of Iwase (2002-0165803). The Examiner's rejections are respectfully traversed.

Applicant has amended independent claims 1, 12 and 14 in order to clearly distinguish applicant's invention from the applied prior art. In particular, independent claim 1 has been amended to recite "wherein said merchandise management server downloads to said user mobile terminals said in-train merchandise purchase program." A similar limitation has been added to independent claim 12. Independent claim 14 has been modified to place the

added to independent claim 12. Independent claim 14 has been modified to place the program recitation more in conformity with U.S. practice and to further add a similar limitation in method format as stated in connection with claim 1. Thus, claim 14 recites “downloading by said merchandise management server to said user mobile terminals said in-train merchandise purchase program.”

The limitations added to claims 1, 12 and 14 are not disclosed in either Takahashi taken singularly or in combination with Iwase. As such, applicant’s claim 1 is not anticipated by Takahashi and the § 102 rejection must be withdrawn. Further, applicant’s claims 12 and 14 are not made obvious by the combination of Takahashi and Iwase and thus the Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103.

Conclusions:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 2, 2005

By Att Sub # 56,252

for /

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